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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,169	06/23/2004	Shinji Ishimura	Hori101	9232
41022	7590	08/13/2007		
MARLANA TITUS 6005 RIGGS ROAD LAYTONSVILLE, MD 20882			EXAMINER NGUYEN, CHI Q	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 08/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/500,169	Applicant(s) ISHIMURA ET AL.	
	Examiner Chi Q. Nguyen	Art Unit 3635	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/23/2004</u> | 6) <input checked="" type="checkbox"/> Other: <u>attachment</u>                         |

### **DETAILED ACTION**

This Office action is in response to applicant's patent application filed on 6/23/2004.

#### ***Drawings***

Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated (see specification's page 5, line 18). See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

The disclosure is objected to because of the following informalities: a continuing date should be included in the disclosure.

Appropriate correction is required.

#### ***Claim Objections***

Claims 1, 3-7, and 11 are objected to because of the following informalities: the status identifier for claims 1, 3-7, and 11 should be identified as --currently amended-- instead of "amended". Appropriate correction is required.

Claim 5, line 5, a phrase "of said" should have a space in between --of said--.  
Correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regarding claim 1, lines 5-6, a citation "where first link pieces are connected directly to or by way of a rigid member to points along said tension member" is confusing. Claims 2-11 depending upon the rejected claim 1 are also rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 1-5, 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,577,826 to Bergstrom et al.

Claim 1:

Bergstrom discloses a base isolation device for a structure 6 that suppresses vibration in the out-of-plane direction of a structural member of the structure and comprising: a tension member 11 which is located between support points 10, which are located on said structural member and separated by a specified space, and has an overall length that is longer than the space between these support points (see Fig. 4), and where first

link pieces 7 (two portions are connected together on a right side) are connected directly to or by way of a rigid member to points along said tension member such that they can rotate freely, second link pieces 7 (two portions are connected together on a left side) are connected to said structural member 6 such that they can rotate freely, and where the other ends of these first link pieces and the other ends of the second link pieces are connected such that they can rotate freely; an energizing member 14 located between the structural member of the structure and the connection between the first link pieces and second link pieces, and that by energizing these first link pieces and second link pieces, applies tension to said tension member (col. 2, lines 48-49); and a damping member 12 that is operated by the rotation of said first link pieces and second link pieces.

Claim 2:

Wherein the first and second pieces are inherently having a mass is added at the connections between said first link pieces and said second link pieces.

Claim 3:

Wherein said tension member is constructed using rope (see Fig. 4, col.2, line 46).

Claim 4:

Wherein said tension member is constructed using a plurality of steel rods (see col. 3, line 11) that are connected to each other such that they can rotate freely.

Claim 5:

Wherein sets of said first link pieces and second link pieces are located at two locations separated by a space S1 (see attached Fig. 4) in the direction of length of said tension

member 11, and said energizing member and damping member are located in the space S2 between the connections of said first link pieces and second link pieces of each of these sets.

Claim 7:

Wherein said damping member is an active damper 12, and together with locating a three phase high voltage line function as a sensor 1 for detecting shaking on said structural member, a controller 13 is installed that adjusts the operation of said active damper based on the detection signal from the sensor.

Claims 8-10:

Wherein said sensor is an acceleration or displacement or velocity sensor (col. 2, lines 29-31).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Best understood, claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,577,826 to Bergstrom et al.

Bergstrom discloses the basic structures for an isolation device as stated above and further included the damping member 12 is a spring damping but does not disclose wherein said damping member is an oil damper or is a viscoelastic or elasto-plastic member. However, this feature would have been a matter of obvious design choice to

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one of ordinary skill in the art at the time the invention was made to have a damping member is an oil or viscoelastic or elasto-plastic member in order to have a smooth movement and less heat generation thus preventing a breakdown. Furthermore, applicant has not disclosed the criticality of this feature.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://paired.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

CQN  
7/31/2007

*Paul K. [Signature]*  
8/3/07  
EBC L. [Signature]  
EBC L. [Signature]

FIG. 4

